APPENDIX A

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JANET L. LEE	**CIVIL ACTION**
VERSUS	**NUMBER 97-32**
SUN LIFE	**JUDGE TUCKER**
INSURANCE CO.	**L. MELANCON**

NOTICE OF APPEAL

NOTICE IS HERBY GIVEN that Janet L. Lee, the Plaintiff in the above entitled and numbered cause, does hereby Appeal to the United States Court of Appeals for the Fifth Circuit, from the Trial Judge's granting of Summary Judgment on behalf of Defendant and denying Summary Judgment on behalf on Plaintiff, notice of this Judgment was first received by Plaintiff on April 2, 2001 by United States Mail, although the Judgment was rendered and signed on June 28, 2000.

Filed:
U.S. District Ct.
Middle Dist. of LA.
01 APR – 3
AM 11:24
/s/ deputy clerk

By Attorney:
/s/Leo J. Berggreen
Leo J. Berggreen
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IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

NO. 01-30427

JANET L. LEE,
Plaintiff - Appellant
v.
SUN LIFE ASSURANCE CO. OF CANADA
Defendant – Appellee

Appeal from the United States District Court for the Middle District of Louisiana, Baton Rouge

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Before DAVIS, JONES, AND DEMOSS, Circuit Judges.

BY THE COURT:

IT IS ORDERED that the motion of Appellee to dismiss the appeal for lack of jurisdiction is **GRANTED**.

U.S. COURT OF APPEALS
FILED
MAY 31, 2001
CHARLES R. FULBRUGE III - CLERK

U.S. CONSTITUTION
FIFTH AMENDMENT

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

FEDERAL RULES OF APPELLATE PROCEDURE

RULE FOUR

A. Appeal in a Civil Case.

(1) Except as provided in paragraph (a)(4) of this Rule, in a civil case in which an appeal is permitted by law as of right form a district court to a court of appeals the notice of appeal required by Rule 3 must be filed with the clerk of the district court within 30 days after the date of entry of the judgment or order appealed from; but if the United States or an officer or agency thereof is a party, the notice of appeal may be filed by any party within 60 days after such entry. If a notice of appeal is mistakenly filed in the court of appeals, the clerk of the court of appeals shall note thereon the date when the clerk received the notice and send it to the clerk of the district court and the notice will be treated as filed in the district court on the date so noted.

(2) A notice of appeal filed after the court announces a decision or order but before the entry of the judgment or order is treated as filed on the date of and after the entry.

(3) If one party timely files a notice of appeal, any other party may file a notice of appeal within 14 days after the date when the first notice was filed,

or within the time otherwise prescribed by this Rule 4(a), whichever period last expires.

(4) If any party files a timely motion of a type specified immediately below, the time for appeal for all parties runs from the entry of the order disposing of the last such motion outstanding. This provision applies to a timely motion under the Federal Rules of Civil Procedure:

(A) for judgment under Rule 50(b);

(B) to amend or make additional findings of fact under Rule 52(b), whether or not granting the motion would alter the judgment;

(C) to alter or amend the judgment under Rule 59;

(D) for attorney's fees under Rule 54 if a district court under Rule 58 extends the time for appeal;

(E) for a new trial under Rule 59; or

(F) for relief under Rule 60 if the motion is filed no later than 10 days after the entry of judgment.

A notice of appeal filed after announcement or entry of the judgment but before disposition of any of the above motions is ineffective to appeal from the judgment or order, or part thereof, specified in the notice of appeal, until the entry of the order disposing of the last such motion outstanding. Appellate review of an order disposing of any of the above motions requires the party, in compliance with Appellate Rule 3(c), to amend a previously filed notice of appeal. A party intending to challenge an alteration or amendment of the judgment shall file a notice, or amended notice, of appeal within the time prescribed by this Rule 4

measured from the entry of the order disposing of the last such motion outstanding. No additional fees well be required for filing an amended notice.
(5) The district court upon a showing of excusable neglect or good cause, may extend the time for filing a notice of appeal upon motion filed not later than 30 days after the expiration of the time prescribed by this Rule 4(a). Any such motion which is filed before expiration of the prescribed time may be ex parte unless the court otherwise requires. Notice of any such motion which is filed after expiration of the prescribed time shall be given to the other parties in accordance with local rules. No such extension shall exceed 30 days past such prescribed time or 10 days from the date of entry of the order granting the motion, whichever occurs later.
(6) The district court, if it finds (a) that a party entitled to notice of entry of a judgment or order did not receive such notice from the clerk or any party within 21 days of its entry and (b) that no party would be prejudiced, may, upon motion filed within 180 days of entry of the judgment or order within 7 days of receipt of such notice, whichever is earlier, reopen the time for appeal for a period of 14 days from the date of entry of the order reopening the time for appeal.
(7) A judgment or order is entered within the remaining of this Rule 4(a) when it is entered in compliance with Rules 58 and 79(a) of the Federal Rules of Civil Procedure.
b) **Appeal in a Criminal Case.** –This portion of Rule 4 is not applicable in this case.